

EXHIBIT C

EXHIBIT C

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MARYLAND
3 Northern Division

4 WILLIAM R. CARROLL, et al.

5 Plaintiffs

Civil Case No.

6 vs.

MJG-02-CV-2084

7 BENJAMIN J. MARTIN, et al.

8 Defendants

9 /

10 The deposition of BENJAMIN JAMES MARTIN
11 was held on Friday, December 13, 2002, commencing at
12 3:49 p.m., at the Law Offices of Schlachman, Belsky &
13 Weiner, P.A., 20 South Charles Street - Tenth Floor,
14 Baltimore, Maryland 21201, before Sandra A. Judd,
15 Notary Public.

16 APPEARANCES:

17 HENRY L. BELSKY, ESQUIRE
18 On behalf of Plaintiffs

19 MICHAEL B. MANN, ESQUIRE
20 On behalf of Defendants

21 ALSO PRESENT: William Carroll

22 REPORTED BY: Sandra A. Judd

1 STIPULATIONS

2 It is stipulated and agreed by and between
 3 counsel for the respective parties that the reading and
 4 signing of this deposition by the witness be and the
 5 same are hereby waived.

6 It is further stipulated and agreed that
 7 the filing of this deposition with the Clerk of Court
 8 be and the same is hereby waived.

9 Whereupon,

10 BENJAMIN JAMES MARTIN,
 11 called as a witness, having been first duly sworn to
 12 tell the truth, the whole truth, and nothing but the
 13 truth, was examined and testified as follows:

14 EXAMINATION BY MR. BELSKY:

15 Q State your full name for the record,
 16 please.

17 A Benjamin James Martin.

18 Q Mr. Martin, you've sat through the
 19 deposition of Mr. Carroll, so you understand the ground
 20 rules. If there's anything that I ask you that you

2

4

1 A Thirty.

2 Q So this is your first marriage?

3 A Yes.

4 Q And what do you do for a living now?

5 A I'm a truck driver.

6 Q For what company?

7 A Trailer Tech, Incorporated.

8 Q And how long have you worked for Trailer
 9 Tech Incorporated?

10 A Six months.

11 Q And prior to that, where did you work?

12 A Good's Disposal, Incorporated.

13 Q Let me take a step back. Trailer Tech,
 14 Incorporated, where are they located at?

15 A 11 Site Road, Leola, Pennsylvania.

16 Q Okay. And then you went to the next
 17 company you were working for. Would you repeat that
 18 again?

19 A Good's Disposal.

20 Q And were you a trucker there also?

21 A Yes, sir.

3

5

1 I don't understand, please ask me to repeat it, and I'll
 2 be glad to repeat it. If you answer the question, I'll
 3 assume we're communicating.

4 If you want to take a break -- I don't
 5 think this deposition will last more than 30 minutes,
 6 if that. But if you do want to take a break for any
 7 reason, just let me know, and we will glad to
 8 accommodate you. If you don't know an answer, don't
 9 guess. Just, you know, give me the best information
 10 that you have on it.

11 Where do you live at right now?

12 A 1505 West Main Street, Ephrata,
 13 Pennsylvania.

14 Q And with whom do you live there?

15 A My spouse and myself.

16 Q And what is your spouse's name?

17 A Ann Martin.

18 Q How long have you been married to Ann
 19 Martin?

20 A Six years.

21 Q And how old are you?

1 Q And where are they located at?

2 A Brownstown, Pennsylvania.

3 Q And how long did you work for them?

4 A For a year.

5 Q For a year?

6 A Yes.

7 Q And prior to that, where did you work?

8 A Burris Foods in Denver, Pennsylvania.

9 Q And how long did you work for them?

10 A I worked there for about five months.

11 Q And what were you doing for them exactly?

12 A Inventory control clerk.

13 Q So you were not trucking at that point?

14 A No, sir.

15 Q Why did you leave there?

16 A Dishonest business practices.

17 Q Theirs, I assume; not yours.

18 A Yes.

19 Q Were they closed up, or you just couldn't
 20 take it anymore?

21 A No, I just didn't want to be a part of it

1 anymore.

2 Q And where are they located at?

3 A It's Denver, Pennsylvania. Their main
4 office is in -- it's in Delaware. I forgot the name of
5 the town.

6 Q And where did you work before that?

7 A Before Burris was Lamtech.

8 Q Lamtech was the person you were driving for
9 at the time of this accident?

10 A Yes, sir.

11 Q How long did you work for Lamtech?

12 A Almost three months.

13 Q And why did you leave there?

14 A I was laid off.

15 Q Were you laid off because of this accident
16 or for some other reason?

17 A Yes, this accident.

18 Q Okay. When you started working for
19 Lamtech, did you have to take any type of test?

20 A No, sir.

21 Q What type of driver's license do you have?

1 A It was -- it was before. I had gotten my
2 C.D.L. through a trucking company.

3 Q And what trucking company was that?

4 A Clouse Trucking, Incorporated.

5 Q And how long did you work for Clouse
6 Trucking Incorporated?

7 A I worked for them from -- I believe it was
8 December of '99 to October of 2000.

9 Q And between October 2000 and January 16,
10 2001, what did you do?

11 A I worked in their shop from -- from
12 December till March. In March I had gotten my license
13 and went out on the road.

14 Q March 2000?

15 MR. MANN: Right. He was asking you
16 actually about October 2000 to January 16, 2000, during
17 the time you were working for Lamtech, I think.

18 I think that's what your question was.

19 Q Were you working for Lamtech at that time?

20 A Between October 2000 and January 16th, yes.

21 Q So after the accident, did you ever go back

1 Q A I have a Class A C.D.L.

2 Q What does that mean?

3 A That means driving a vehicle with a gross
4 vehicle weight rating over 26,000 pounds pulling a
5 trailer over 10,000 pounds.

6 Q Is that an 18-wheeler, as we call it?

7 A Yes, yes.

8 Q Don't you have to take physical
9 examinations in order to have that license on a regular
10 basis?

11 A Yes. A D.O.T. physical, yes.

12 Q And how often have you had D.O.T.
13 physicals?

14 A My last one I believe was September --
15 September, no. I'm sorry. It was in -- it was in
16 March, just after I had passed my test.

17 Q March of what year?

18 A Well, without looking at my license, I
19 don't recall.

20 Q Was that before or after this accident?

21 This accident happened on --

1 to Lamtech?

2 A No.

3 Q Okay. Did they ever ask you what happened
4 in this accident?

5 A Lamtech?

6 Q Yes.

7 A No.

8 Q Did you ever contact one of their agents or
9 insurance carriers about what happened in this
10 accident?

11 A An insurance carrier, no. Directly after
12 the accident, I had called my supervisor.

13 Q Okay. And who was your supervisor?

14 A It was Bob Brooks.

15 Q And did he ask you what happened?

16 A At the time I had called, I had gotten a
17 machine, because it was still early in the morning and
18 no one was there. And then they had called me back,
19 and then I explained to them what happened.

20 Q And did they take notes of this conference,
21 do you know?

<p>10</p> <p>1 A I do not know.</p> <p>2 Q And was it based on that conversation that</p> <p>3 you were told you were terminated?</p> <p>4 A No.</p> <p>5 Q When were you told you were terminated?</p> <p>6 A The following Friday of -- from the</p> <p>7 accident. The accident was on a Tuesday.</p> <p>8 Q Did they tell you the reason you were being</p> <p>9 terminated?</p> <p>10 A Yes.</p> <p>11 Q What did they say?</p> <p>12 A I had had a previous incident involving the</p> <p>13 truck.</p> <p>14 Q So "two strikes, you're out" type of</p> <p>15 situation?</p> <p>16 A Yes.</p> <p>17 Q What was the previous incident?</p> <p>18 A I was making a left-hand turn out from a</p> <p>19 curb in a residential area, and there was a low</p> <p>20 overhanging branch, and the corner of the truck had</p> <p>21 caught the branch and caused some damage.</p>	<p>12</p> <p>1 A Yes, I did.</p> <p>2 Q And what was the ticket for?</p> <p>3 A Driving too fast for conditions.</p> <p>4 Q And did you go to court or pay the ticket</p> <p>5 or what?</p> <p>6 A Just paid the ticket.</p> <p>7 Q In this case, you also got a ticket; is</p> <p>8 that correct?</p> <p>9 A Yes.</p> <p>10 Q And did you pay the ticket in this case?</p> <p>11 A Yes, I did.</p> <p>12 Q What was the ticket that you received in</p> <p>13 this case?</p> <p>14 A Careless driving.</p> <p>15 Q Did you consult with an attorney relative</p> <p>16 to this case?</p> <p>17 A No, I did not.</p> <p>18 Q According to the Interrogatories, you had</p> <p>19 started to -- scratch that. As part your requirement</p> <p>20 with the Department of Transportation, were you</p> <p>21 required to file a report with them?</p>
<p>11</p> <p>1 Q But you never had a ticket for that?</p> <p>2 A No, sir.</p> <p>3 Q Did you ever have any other incidences</p> <p>4 while trucking besides these two?</p> <p>5 A While trucking for Lamtech?</p> <p>6 Q Well, for anybody.</p> <p>7 A Just one.</p> <p>8 Q When was that?</p> <p>9 A It was in July of -- July of 2000.</p> <p>10 Q And what was that all about?</p> <p>11 A It was raining, and I had swerved to miss</p> <p>12 vehicles, and I ended up hitting another one.</p> <p>13 Q And where was that at?</p> <p>14 A It was in Goodville, Pennsylvania. Or</p> <p>15 actually I believe they would consider -- East Earl was</p> <p>16 the town. It was outside the town of Goodville.</p> <p>17 Q They would consider what?</p> <p>18 A East Earl.</p> <p>19 Q East Earl?</p> <p>20 A Yes, East Earl.</p> <p>21 Q Did you receive a ticket for that?</p>	<p>13</p> <p>1 A File a report with D.O.T.?</p> <p>2 Q D.O.T., yes. Or I.C.C. I'm not sure</p> <p>3 what's the difference.</p> <p>4 A No, I believe that I -- I didn't have to do</p> <p>5 anything personally, no.</p> <p>6 Q Do you know whether or not that's a</p> <p>7 requirement that your -- Lamtech had to do?</p> <p>8 A To my knowledge, no.</p> <p>9 Q Where were you going at the time of the</p> <p>10 accident?</p> <p>11 A Home Depot in Germantown, Maryland.</p> <p>12 Q And what time were you supposed to be</p> <p>13 there?</p> <p>14 A There was no set time.</p> <p>15 Q Okay. And as I understand it, you left</p> <p>16 Pennsylvania at 3:00 in the morning?</p> <p>17 A 3:30.</p> <p>18 Q 3:30? What shift did you work, or was</p> <p>19 there a shift?</p> <p>20 A There was no shift. It was all depending</p> <p>21 on when I wanted to start and when I wanted to get</p>

<p>1 done.</p> <p>2 Q Were you required to keep logs?</p> <p>3 A Yes.</p> <p>4 Q Did you keep logs on this particular trip?</p> <p>5 A Yes, I did.</p> <p>6 Q Did you keep logs on the day before?</p> <p>7 A Yes, I did.</p> <p>8 Q Where did you travel the day before?</p> <p>9 A The day before would have been my</p> <p>10 southeastern Pennsylvania/Delaware/</p> <p>11 northeastern Maryland route.</p> <p>12 Q And what time did you complete that route?</p> <p>13 A Complete?</p> <p>14 Q Yes.</p> <p>15 A To the best of my knowledge, I do not know.</p> <p>16 Q And what time did you start that route?</p> <p>17 A 5:00 a.m.</p> <p>18 Q Do you know where you went?</p> <p>19 A No, sir, I do not.</p> <p>20 Q Have you ever been cited by the Department</p> <p>21 of Transportation for log violations?</p>	<p>14</p> <p>1 the shoulder of the road or in the road?</p> <p>2 A No, sir.</p> <p>3 MR. MANN: Are you talking about the moment</p> <p>4 of impact?</p> <p>5 Q At the moment of impact.</p> <p>6 A At the moment of impact, I have to -- I</p> <p>7 have -- I couldn't tell you, because the vantage point</p> <p>8 looking at the fender, you know, I couldn't exactly</p> <p>9 see.</p> <p>10 Q Okay. Did you give a statement to the</p> <p>11 police afterwards?</p> <p>12 A Yes, sir, I did.</p> <p>13 Q And according to the police report, it</p> <p>14 indicated that the driver of unit one -- which was</p> <p>15 you -- on Route 27 stated that he took his eyes off the</p> <p>16 road for a short time, and when he looked up, unit</p> <p>17 number two -- which was Mr. Carroll -- was at his right</p> <p>18 front bumper.</p> <p>19 Is that the statement you gave to the</p> <p>20 police?</p> <p>21 A I don't remember saying I took my eyes off</p>
<p>15</p> <p>1 A No, sir.</p> <p>2 Q Have you ever been convicted of a crime?</p> <p>3 A No, sir.</p> <p>4 Q Why don't you tell me in your own words</p> <p>5 exactly what you remember about the accident.</p> <p>6 A What I remember was traveling south on</p> <p>7 Route 27. I was coming around a slight bend, you know,</p> <p>8 just looking at the car in front of me because it was</p> <p>9 -- it was a busy morning. And about that time, traffic</p> <p>10 was moving, and everybody was going to work. And I</p> <p>11 remember there was a car about maybe three lengths in</p> <p>12 front of me. And then I just remember coming around</p> <p>13 the bend, seeing a white helmet at my fender, and then</p> <p>14 hearing a smack.</p> <p>15 Q Your right front? Your right fender?</p> <p>16 A Yes, sir.</p> <p>17 Q Do you remember where that bicycle was?</p> <p>18 A Where the bicycle was? To the best of my</p> <p>19 knowledge, no. I was looking at the traffic in front</p> <p>20 of me.</p> <p>21 Q Okay. So you don't know whether he was in</p>	<p>17</p> <p>1 the road.</p> <p>2 Q Okay. Did you take your eyes off the road?</p> <p>3 A No. I was looking at the car in front of</p> <p>4 me.</p> <p>5 Q Okay.</p> <p>6 A It was a busy morning.</p> <p>7 Q Okay. What were you carrying that day?</p> <p>8 A Kitchen countertops and bathroom vanity</p> <p>9 tops.</p> <p>10 Q And what was the weight of your -- I guess</p> <p>11 it's combined weight; is that what they call it?</p> <p>12 A A combined weight is usually considered for</p> <p>13 a Class A vehicle. This was -- this was actually a</p> <p>14 Class C vehicle. You didn't need a special license to</p> <p>15 drive it.</p> <p>16 Q Okay. So this was not controlled by the</p> <p>17 Department of Transportation?</p> <p>18 A To the best of my knowledge, no.</p> <p>19 Q So you were driving a Lamtech truck; is</p> <p>20 that correct?</p> <p>21 A Yes.</p>

<p style="text-align: center;">18</p> <p>1 Q From the Lamtech operation --</p> <p>2 A Yes.</p> <p>3 Q -- to Home Depot?</p> <p>4 A Yes.</p> <p>5 Q So you weren't subbing out or anything like</p> <p>6 that?</p> <p>7 A No, sir.</p> <p>8 Q And you are not an owner/operator; you are</p> <p>9 just an employee?</p> <p>10 A Yes, sir.</p> <p>11 Q At the time of the accident, you were under</p> <p>12 the employ of Lamtech?</p> <p>13 A Yes, sir.</p> <p>14 Q How fast do you think you were going at the</p> <p>15 time of the accident?</p> <p>16 A About 35 miles an hour.</p> <p>17 Q And was there a reason why you were going</p> <p>18 35 as opposed to 40 or 45 or 50 or 30?</p> <p>19 A I was trying to maintain distance between</p> <p>20 myself and the car in front of me.</p> <p>21 Q Was there a reason for that?</p>	<p style="text-align: center;">20</p> <p>1 what was his condition?</p> <p>2 A He was curled up and twitching.</p> <p>3 Q Did you see any blood?</p> <p>4 A No, sir, I didn't.</p> <p>5 Q Was he conscious?</p> <p>6 A To the best of my knowledge, no.</p> <p>7 Q And how long did you stay at the scene?</p> <p>8 A Until the officer cleared me.</p> <p>9 Q Were you there when the E.M.T. people</p> <p>10 arrived?</p> <p>11 A Yes.</p> <p>12 Q And did you see what they did to</p> <p>13 Mr. Carroll?</p> <p>14 A No, sir, I did not.</p> <p>15 Q Other than the twitching, did you see</p> <p>16 Mr. Carroll do anything else?</p> <p>17 A No, sir.</p> <p>18 Q Did you ever have a conversation with</p> <p>19 Mr. Carroll?</p> <p>20 A No, sir.</p> <p>21 Q Did you ever have a conversation with</p>
<p style="text-align: center;">19</p> <p>1 A It was a busy morning. Rush hour.</p> <p>2 Q What was the road condition?</p> <p>3 A It was dry. It was clear.</p> <p>4 Q And what was your visibility?</p> <p>5 A Visibility? It was clear.</p> <p>6 Q How far could you see up the road from</p> <p>7 where you were from where the accident occurred?</p> <p>8 A I don't recall. I was just looking at the</p> <p>9 car in front of me coming around a slight bend.</p> <p>10 Q And what time did this accident occur?</p> <p>11 A It was about 6:30.</p> <p>12 Q What did you do immediately after the</p> <p>13 accident?</p> <p>14 A Immediately after? Well, I pulled over,</p> <p>15 ran to check on Mr. Carroll. And there was a -- I</p> <p>16 remember that there was already a detective, an</p> <p>17 undercover detective, on the scene, and she took care</p> <p>18 of calling an officer and all that.</p> <p>19 Q Do you know what her name was?</p> <p>20 A No, I don't.</p> <p>21 Q When you saw Mr. Carroll and you ran over,</p>	<p style="text-align: center;">21</p> <p>1 anybody about this accident other than the police</p> <p>2 officer that day?</p> <p>3 A No, sir.</p> <p>4 Q Do you remember having a conversation with</p> <p>5 the police officer that day?</p> <p>6 A The only thing that really sticks out in my</p> <p>7 mind was that he asked to see my log book.</p> <p>8 Q Other than asking to see your log book, did</p> <p>9 he at any time ask you what happened?</p> <p>10 A I'm sure he did. But I don't recall.</p> <p>11 Q Okay. And so the only person that you ever</p> <p>12 talked to about this accident was the officer, maybe,</p> <p>13 and your supervisor?</p> <p>14 A Yes, sir.</p> <p>15 Q And you do not know whether or not your</p> <p>16 supervisor's statement was recorded?</p> <p>17 A I do not know.</p> <p>18 MR. BELSKY: Okay. I'm going to take a</p> <p>19 two-minute break. I'm probably finished, but I want to</p> <p>20 think about it.</p> <p>21 MR. MANN: Okay.</p>

22

1 MR. BELSKY: Why don't you come out with me
 2 a minute.

3 (Henry L. Belsky, Esquire and William
 4 Carroll exited the deposition room.)

5 (A break was taken from 4:06 p.m. to
 6 4:10 p.m.)

7 (Henry L. Belsky, Esquire and William
 8 Carroll returned to the deposition room.)

9 Q Just a few other questions. The vehicle
 10 that you were driving, had you ever driven it before?

11 A Yes.

12 Q Was this a vehicle that you drove normally?

13 A Yes.

14 Q Was there any mechanical problems with it?

15 A Not to my knowledge.

16 Q Okay. Do you know whether your vehicle was
 17 ever repaired?

18 A Was it ever repaired?

19 Q Was there any damage to your vehicle?

20 A From the accident?

21 Q Yes.

24

1 Q Did you check the bumper?

2 A Yes.

3 Q Was the bumper in any way scraped or marked
 4 in any way?

5 A To the best of my memory, no.

6 Q So the only thing that appeared to hit,
 7 from physical evidence, my client, was this mirror?

8 A To the best of my memory, yes.

9 MR. BELSKY: Okay. I have nothing further.

10 THE WITNESS: Okay.

11 MR. MANN: We'll waive the reading and
 12 signing of the deposition transcript.

13 (Deposition concluded at 4:12 p.m.)

23

1 A Yes, there was damage to the vehicle.

2 Q Where was the damage to your vehicle?

3 A It was the mirror frame on the right door.

4 Q What is the mirror frame on the right door?

5 A It's a bracket that holds the mirror off
 6 the door.

7 Q Does that extend beyond the cab to the
 8 vehicle?

9 A Slightly, yes.

10 Q How slightly?

11 A Maybe about six, seven, eight inches.

12 Q And what was wrong with it?

13 A It was bent.

14 Q It was bent?

15 A Yes.

16 Q What part of it was bent?

17 A It was the bottom, which just pushed the
 18 whole thing up.

19 Q Is there any other part of your vehicle
 20 that was damaged?

21 A To my knowledge, no.

25

1 State of Maryland

2 County of Harford, to wit:

3

4 I, Sandra A. Judd, a Notary Public of the
 5 State of Maryland, County of Harford, do hereby certify
 6 that the within-named proceedings took place before me
 7 at the time and place herein set out.

8 I further certify that the proceedings were
 9 recorded stenographically by me and this transcript is
 10 a true record of the proceedings.

11 I further certify that I am not of counsel
 12 to any of the parties, nor an employee of counsel, nor
 13 related to any of the parties, nor in any way
 14 interested in the outcome of this action.

15 As witness my hand and notarial seal this
 16 9th day of January, 2003.

17

18

Sandra A. Judd
 Notary Public

19 My Commission Expires:

20 August 16, 2005

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7 (Exhibits -- None Marked)

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